GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

TW Dept., – LTR – Sri Joga Peda Sesharao S/o. Late Appalaraju, R/o.Indukurupeta village, Devipatnam Mandal, East Godavari District - Revision Petition filed under the provisions of A.P.S.A.L.T.R.,1959 as amended by 1/70 - Land measuring Hec.0.22 Acres in Sy. No.251/3 & Hec.0.83 Acres in Sy.No.264/2 of Indukuru Village, Devipatnam Mandal, East Godavari District - Dismissed - Orders – issued.

SOCIAL WELFARE (TW.LTR.2) DEPARTMENT

G.O.Ms.No.9 — **Dated: 25.02.2022**
Read the following:-

1. LTRP.No.35/2008, orders issued by the Agency Divisional Officer, Rampachodavaram, East Godavari District, dated. 03.05.2011 on the petition filed by the Special Deputy Tahasildar, Devipatnam (M), East Godavari District.

2. C.M.A.No.29/2011 orders issued by the P.O.ITDA/Addl.Agent to Govt., Rampachodavaram, East Godavari District, dated. 07.03.2018 on the appeal filed by Sri Joga Peda Sesharao S/o. Late Appalaraju, R/o.Indukuru village, Devipatnam Mandal, East Godavari District.

3. Revision Petition filed by Sri Joga Pedasesharao, Indukuru (V), Devipatnam (M), East Godavari District, dt.16.08.2018.

4. Govt.Memo.No. 15026/36/LTR-2/2018, dated. 10.09.2018.

5. Govt.Lr.No. 15026/36/LTR-2/2018, dated. 11.09.2018, 30.01.2019 and 16.08.2021.

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O R D E R:

1. In the reference 1st read above, the Special Deputy Tahasildar (TW), Devipatnam (M), East Godavari District filed a complaint before the Divisional Officer, Rampachodavaram, East Godavari District under section 3 (1) of the Andhra Pradesh State Area Land Transfer Regulation Act 1/1959, as amended by the Regulation 1 of 1970 for restoration of the Petition Scheduled land in favour of the Government after ejecting the respondents in East Godavari District.

(P.T.O.)

2. Based on the said petition, the Divisional Officer, Rampachodavaram, East Godavari District have issued dismissal orders vide LTRP.No.35/2008, dated. 03.05.2011 on the complaint filed by the Special Deputy Tahasildar (TW), Devipatnam (M), East Godavari District under section 3 (1) of the Andhra Pradesh State Area Land Transfer Regulation Act 1/1959, as amended by the Regulation 1 of 1970 for restoration of the Petition Scheduled land Hec.0.22 Acres in Sy. No.251/3 & Hec.0.83 Acres in Sy.No.264/2 of Indukuru Village, Devipatnam Mandal, East Godavari District from the non-tribal respondent i.e. Sri Joga Pedasesharao, Indukuru (V), Devipatnam (M), East Godavari District.

3. Aggrieved by the above orders Sri Joga Pedasesharao, Indukuru (V), Devipatnam (M), East Godavari District have filed an appeal petition before the Project Officer, ITDA / Additional Agent to Government, Rampachodavaram, East Godavari District under Rule 8 (2) of AP Scheduled land Transfer Rules 1/1969.

4. In the reference 2nd read above, the Project Officer, ITDA / Additional Agent to Government, Rampachodavaram, East Godavari District being the lower appellate authority in C.M.A.No.29/2011, dated. 07.03.2018 has disallowed the appeal by upholding the orders of the Agency Divisional Officer, Rampachodavaram, East Godavari District issued in ADO LTRP N.35/2008, dated.03.05.2011 confirmed the right of the Government over the land measuring Hec.0.22 Acreas in Sy.No.251/3 and Hec.0.83 Acreas in 264/2 of Indukuru (V), Devipatnam (M), East Godavari District.

5. In the reference 3rd read above, Sri Joga Pedasesharao, Indukuru (V), Devipatnam (M), East Godavari District have filed a Revision Petition for land located in Indukuru (V), Devipatnam (M), East Godavari District, to the land measuring Hec.0.22 Acreas in Sy.No.251/3 and Hec.0.83 Acreas in 264/2 of Indukuru (V), Devipatnam (M), East Godavari District, before the Government under the provisions of A.P.S.A.L.T.R.,1959 as amended by the Regulation 1 of 1970 against the orders passed by the Project Officer, ITDA / Additional Agent to Government, Rampachodavaram, East Godavari District in C.M.A.No.29/2011, dated. 07.03.2018 in the 2nd read above.

6. The Revision Petition filed by Sri Joga Pedasesharao, Indukuru (V), Devipatnam (M), East Godavari District, Government while admitting the same has been called for parawise remarks along with connected case records from the P.O., ITDA, Rampachodavaram, East Godavari District in the reference 4th read above.

7. In the reference 5th read above, both the parties and their councils was called for the hearings. The Special Deputy Collector, Rampachodavaram and the Council for the petitioner has been attended the hearings conducted by the Appellate Authority on 06.10.2018, 09.02.2019 and finally heard on 23.08.2021 and upon perusing the records/evidences/grounds filed by the Revision Petitioners, the Appellant Authority have come to the conclusion and opined/observed that:

- During the course of hearing of the case that the revision petitioner advanced arguments and on verification of the documents and the grounds of revision and Para wise remarks as well as the other documents and material available on the record it is noticed that lower primary authority and lower appellant authority observed that the revision petitioner failed to produce any document in support of her claim of possession of the land as per the regulations.
- It is observed that as seen from the record that the revision petitioners failed to produce any document in support of the claim of the revision petitioner and failed to discharge the burden as per regulations.
- That taking consideration of the above and the material available on the record that it can be concluded that the lower primary authority and lower appellant authority passed the order as per law which does not deserve any interference and accordingly the same is hereby upheld and the revision petition is hereby dismissed.

8. After careful examination of the Revision Petition, Government in exercise of the powers u/s 3(2) (a) of APSALTR 1/59 as amended by 1/70 do hereby order for ejection of respondent from petition scheduled land and for restoration of the same to the Government for on-ward assignment to the eligible tribes.

9. The Collector & District Magistrate, East Godavari District, Kakinada is requested to take necessary action in the matter accordingly and **acknowledge the receipt of the case records, which are returned herewith**.

10. This order shall be published in apegazette.cgg.gov.in.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KANTILAL DANDE
SECRETARY TO GOVERNMENT

To
The Collector & District Magistrate, East Godavari District, Kakinada (w.e)

The Additional Agent to Govt. cum Project Officer, ITDA, Rampachodavaram, East Godavari District.

The Special Deputy Collector, Rampachodavaram, East Godavari District.
The Tahasildar, Devipatnam Mandal, , East Godavari District.
Sri Kola Satya Prasad (Advocate), Near RTC Bus stand, Rampachodavaram, East Godavari District, PIN-533288.
Sri Joga Peda Sesha Rao, S/o.Late Appalaraju, R/o.Indukurupeta (V), Devipatnam (M), East Godavari District.
The Director Printing, Stationary (for publication in the AP Gazette)

Copy to:

The P.S. to Hon'ble Dy. Chief Minister (TW)
The P.S. to Secretary (TW)
SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER

15/07/2022